

## **Board Administration and Regulatory Coordination Unit**

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### **Division 3. Air Resources Board**

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#### **Chapter 1. Air Resources Board**

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##### **Subchapter 1.25. Administrative Procedures–Hearings**

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##### **Article 2. Administrative Hearing Procedures for Petitions for Review of Executive Officer Decisions**

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##### **Subarticle 4. Filing and Initial Review of Petitions for Review and Executive Officer's Response**

##### **§ 60055.16. Filing of Petitions for Review Hearing.**

(a) Within 30 days after receipt of a decision by the executive officer described in section 60055.1, a person directly affected by the decision may file a petition requesting a hearing to review the decision. The hearing officer may extend the time for filing for good cause.

(b) A petition shall be filed with the clerk of the board, at the offices of the state board in Sacramento and a copy served on the executive officer. The petition shall include the following information:

- (1) The name and address of the petitioner;
- (2) A copy of the executive officer decision for which review is requested;
- (3) The date the decision was received by the petitioner;

(4) A statement of the objections to the decision upon which review is requested; a verified statement of the facts, data and other relevant evidence in support of the objections; a demand for the specific relief the petitioner seeks; a short, concise statement of legal argument, with citation to authorities, in support of the objections and the relief requested. The verification may be made on information and belief.

(c) The petitioner may request permission from the hearing officer to amend the petition. Such request must include an amended statement of objections and, as applicable, verified statement of facts, data, and other relevant evidence in support of the amended objections; demand for the specific relief the petitioner seeks; and amended statement of legal argument. The hearing officer shall grant the request upon determining that good cause exists; in granting the request the hearing officer shall take whatever steps necessary (e.g., continuing the hearing) to prevent any party from being unduly prejudiced by the decision.

NOTE: Authority cited: Sections 39600 and 39601, Health and Safety Code. Reference: *Mathews v. Eldridge*, 424 U.S. 319 (1976); and Section 43105, Health and Safety Code.

#### **REFERENCE**